

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

C&J ASSOCIATES PEST CONTROL,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:06-cv-884-MEF
)	
BOB RILEY, et al.,)	
)	
Defendants.)	

MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING

COMES NOW Defendants DRAYTON NABERS, JR., Finance Director of Alabama before being appointed as Chief Justice of the Alabama Supreme Court, named individually and in his official capacity, and JAMES MAIN, Finance Director of Alabama, named individually and in his official capacity, and move this Honorable Court for an extension of time in which to file a response to the Plaintiff's complaint. In support of this motion, Defendants Nabers and Main state the following:

1) On October 1, 2006, the Plaintiff initiated this lawsuit, naming as Defendants over a dozen State officials and employees.

2) Drayton Nabers, Jr. was served on October 6, 2006, and James Main was served on October 10, 2006, and other State defendants were apparently served over the course of the following week.

3) Presently, Defendant Nabers is required to file a response to the Plaintiff's complaint by October 26, 2006., and James Main is required to file a response to the Plaintiff's complaint by October 30, 2006. Other State defendants are required to submit responsive pleadings between now and October 30, 2006.

4) Due to the number of State defendants being sued by the Plaintiff, as well as the number of claims set forth in its complaint, the Governor's Office, the Office of Attorney General, the Department of Finance, the Department of Mental Health and Mental Retardation, and the Department of Agriculture and Industries are working together to secure counsel for all the defendants, and to prepare a joint defense in this case.

5) Despite best efforts, the State defendants have not yet had sufficient time to prepare a meaningful, unified response to the Plaintiff's claims. However, this can soon be accomplished if the Court would grant a modest extension of time.

WHEREFORE, the above-cited grounds being considered, Defendants Nabers and Main request this Honorable Court grant them and the other State defendants an extension of time until **November 17, 2006**, in which to file a response to the Plaintiff's complaint.

Done this 25th day of October 2006.

Respectfully submitted,

/s/ Richard H. Cater

Richard H. Cater

General Counsel, Finance Director's Office

ADDRESS OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Scott L. Rouse, Esq.
Office of the Governor
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

And I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Bill Garrett, Esq.
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Respectfully submitted,

/s/ Richard H. Cater

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